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CIVIL AND POLITICAL RIGHTS

Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 1999]

GE.99-11310 (E)

Abolition of the death penalty

1. Pax Christi International opposes capital punishment in all forms and all situations. By the following appeal, Pax Christi International, calls on all Governments worldwide that have not yet abolished the death penalty to consider the reasons we give for its revocation.

2. Pax Christi International supports the moratorium called for by Pope John Paul II in his 1998 Christmas address. It follows the suggestion in his 1996 encyclical Evangelium vitae that the modern State should not resort to the death penalty given that it has alternative means of protecting its citizens. This moratorium is requested for the year 2000, however, the ultimate wish is not merely for a cessation of the death penalty for one year, but total abolition of capital punishment altogether.

3. According to Amnesty International figures, at least 2,375 people were executed around the world in 1998. Four countries were responsible for 84 per cent of these deaths: China (1,644), the Islamic Republic of Iran (143), Saudi Arabia (122) and the United States (74). There is an encouraging trend by the United Nations High Commission for Human Rights towards supporting a moratorium on executions and showing concern at the number of countries that still enforce the death penalty in disregard of the limitations provided by international covenants. However, Pax Christi International, while recognizing the efforts of the United Nations, wishes an end to all capital punishment.

4. Article 6 of the International Covenant on Civil and Political Rights declares that the death sentence many only be imposed for the most serious crimes in accordance with the law in force at the time of the commission of the offence. Pax Christi International believes that there is no crime serious enough to warrant a sentence of death. Article 6 creates ambiguity and confusion regarding the definition of "serious crime" within different cultures and societies. In order to eliminate these discrepancies, the death sentence should not be handed down for any crime whatsoever, in any country of the world.

5. The right to life, liberty and security of person is fundamental, and guaranteed in all international human rights declarations, conventions and covenants. The Universal Declaration of Human Rights has, for 50 years, stipulated protection against subjection to cruel, inhuman and degrading punishment. The death penalty clearly violates these rights. The death sentence is being excused as an exception to the right to life. There is no mention of any exceptions to the right to life in the Universal Declaration of Human Rights.

6. As a method of preventing crime, there is no evidence to suggest that the threat of the death penalty will deter the commission of a criminal act. International comparisons of crime rates in different countries suggest that the threat of execution has no effect on the rates of capital crime. The protection of society from serious and violent crime is crucial also, but Pax Christi believes that the death penalty will not solve the deficiencies in society that can be traced to the causes of serious crime. The death penalty will not prevent crime or compensate victims, and is a misleading

solution to a complicated problem. Capital punishment is often imposed in societies that are not capable of, or willing to consider the complex causes or roots of criminal behaviour.

7. The death penalty tends to promote a harmful attitude of revenge amongst peoples. Those countries that have the death penalty enshrined in their law have hardened the views of society, creating a mentality of intolerance, vengeance and retaliation in relation to criminal offenders.

8. In many cases, the imposition of the death sentence is inconsistent with previous sentences for analogous crimes. Often the death penalty discriminates against social, political and racial minorities. Historical and contemporary evidence shows that the death penalty is borne unjustly by the poor, minorities and underclasses in general. It is alleged that those who can afford good legal representation have less chance of being sentenced to death.

9. There is always a risk that, even in the most carefully constructed legal system, human error, emotions or misjudgements could lead proceedings to become unfairly biased against the accused. History can recall numerous cases of wrongfully convicted prisoners being freed in light of new evidence, sometimes many years after being sentenced. In cases such as these, the finality of death makes the sentence irreversible if it has already been carried out.

10. It is a sad irony that nations that proclaim that the taking of human life is an intolerable crime, can punish the perpetrator in the same method thought so intolerable. The death penalty not only ends a life, it also subjects the convicted to inhuman and degrading treatment, and mental torture. Waiting many years for imminent death is a cruel punishment. However, this should not be an encouragement for Governments to shorten the time period between sentencing and death, leaving less time for the appeal process, and for new evidence to come to light.

11. Pax Christi International calls on the minority of States Members of the United Nations that have not yet abolished the death penalty to suspend all executions with a view to completely eradicating the sentence of death around the world.